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BOARD OF SELECTMEN MINUTES
JUNE 13, 2011

Chairman James O'Mara called the meeting to order at 6:00 p.m. Selectmen present: George Infanti, Bruce Bowler, Thomas Grella and Dwight Brew. Also present Town Administrator Gary MacGuire.

Non-Public Session

Mr. Bowler moved to go into non-public session at 6:01 p.m. to discuss two personnel matters pursuant to NH RSA 91-A:3 II (a), second by Mr. Infanti. Roll call vote: Mr. Brew – yes; Mr. Bowler – yes; Mr. O'Mara – yes; Mr. Grella – yes; Mr. Infanti – yes.

While in non-public session the Board discussed a personnel matter with Town Administrator Gary MacGuire, Chief Peter Lyon and Finance Director Merri Howe. AT 6:25 p.m. Chief Lyon and Merri Howe exited the meeting. The Selectmen further discussed a personnel matter with the Town Administrator. At 6:38 p.m. Town Administrator MacGuire exited the meeting

At 6:48 p.m. the Selectmen returned to public session. In non-public session no motions were made and no votes were taken.

A motion was made by Mr. Infanti, second by Mr. Bowler to re-enter public session at 6:50 p.m. Roll call vote: Mr. Brew – yes; Mr. Bowler – yes; Mr. O'Mara – yes; Mr. Grella – yes; Mr. Infanti – yes.

Regular Session

Mr. O'Mara apologized to the audience for starting the meeting later than scheduled.

Pledge of Allegiance

Mr. O'Mara asked Mr. Brew to lead them in the Pledge of Allegiance.

Citizens' Forum

Brendon Dix told the Board his tenth grade project was the power of one to make a change. He wanted to help support the troops of men and women in Iran and Afghanistan. He would like to place flags on the granite posts in front of the High School. He asked them for permission to borrow the flags that were used around the Green. He would like to put them out on Thursday night and Friday night for graduation and thought this would have a big impact on putting in peoples' minds that they were fighting two wars. He assured the Board that the flags would be returned before July 4th. In response to a question from the Board, Mr. MacGuire advised they had no policy on loaning the flags. Brendon told the Board that he thought he would use zip ties to hold them onto the posts.

Mr. Grella mentioned that it would be difficult returning the flags to the Town Barn on a Saturday morning and volunteered to have them delivered to his house. Mr. Infanti thought it was an incredible idea and acknowledged Brendon for doing this. *Mr. Bowler moved to allow Brendon Dix to utilize the Town's flags on Thursday and Friday to honor their troops that are serving in Afghanistan and Iran, second by Mr. Grella. Vote: Unanimous.* Brendon thanked the Board very much for their help.

* * * * *

Mr. O'Mara asked if it was possible to put the camera on the quilt, framed and hanging on the meeting room wall that was made by Millie Cunningham as a donation to the Town for the 250th anniversary celebration.

Administrative Business Approval of Minutes

Mr. Bowler moved to approve the minutes of May 23, 2011, second by Mr. Grella. Vote: Unanimous. Mr. Brew moved to approve June 1, 2011 meeting minutes, second by Mr. Infanti. Vote: 4-0-1 Mr. O'Mara abstained.

Payroll Register

Mr. Brew moved to approve the Payroll Manifest dated June 2, 2011 for the pay period ending on May 28, 2011 in the amount of \$164,259.50, second by Mr. Infanti. Vote: Unanimous.

Accounts Payable Register

Mr. Grella moved to approve the Accounts Payable Manifest from June 1 to June 13, 2011 in the amount of \$2,692,456.16, second by Mr. Bowler. Discussion: Mr. O'Mara noted that the reason this manifest was so high was because a payment was made to the schools. Vote: Unanimous.

Town Administrator Report

Mr. MacGuire advised the main part of his report would be an update on road projects by Director Berry. He also advised on a conversation he had with a citizen to discuss a potential legal matter and he was pursuing it on his end and was currently researching this further.

Update on Road Projects from Director Berry

Director Berry told the Board there was a variety of projects his Department was working on. They will be doing brush cutting on the roads they will be reconstructing – Mack Hill, Sprague, Mont Vernon and Boston Post Roads. He anticipates awarding the road reconstruction bid later that evening. Post cards will be going out to residents on Mack Hill relative to this work. There will be a meeting at Town Hall on June 27, 2011 at 6:30 p.m. to announce this project and may expand it to residents on Boston Post and Mont Vernon Roads as well. The work done last year on the New Boston Road Bridge has been taken off the “red list”, however, the work they had done on it does not qualify for State reimbursement. Five engineering firms responded to their RFP. A three man team consisting of Gary MacGuire, John St. Pierre and himself interviewed three of the firms with one being selected. Roadside mowing is being conducted with the part time help.

Mr. Berry continued ... He spoke about where the Zipper was being used, noted it had broken down and he will have to bring in someone to do some of the significant amount of grinding. The summer Interns started about a month ago and were a team of two, which worked under the day-to-day management of John St. Pierre. They began using the hot box over a month and every day without rain, it was being used. They will have it for several months. They will continue with the program of keeping roads good and will start crack sealing later in the month and he listed the roads that they will be sealing. He also briefly talked about rubberized chip sealing and noted that the company that had done the work, came back twice in the spring to evaluate it. The roads that they used this material on didn't heave during the winter. He also spoke about emulsion chip seal. He remarked that the State is using a double stone seal rather than rubberized chip sealing. He asked the Board's guidance in waiving the bid process based on a

sole recommendation. Mr. Bowler had no problem, as the last time they bid it, they only received one bid. Mr. Berry noted that there were only two companies that do this – Allstate in Massachusetts and another one in New York.

Mr. Infanti indicated he was very impressed with Merrimack Road when it was worked on two years ago, an excellent job was done and it held up well. After further questions were asked and answered, Mr. O'Mara remark that the specific answer to his question was that the Board understood the circumstances he was operating under and if there was only a sole source provider, the Board would consider this.

Discussion Items

Request for Use of the Town Common for the Annual Antiques on the Green

Mr. O'Mara noted the Historical Society indicated they have the Policy. *Mr. Bowler moved to approve Antiques on the Green, second by Mr. Infanti. Vote: Unanimous.* Mr. O'Mara added that the Historical Society will hold Antiques on the Green on Saturday, September 17, 2011 from 9:00 a.m. to 3:00 p.m.

Request to Update Town Personnel Policy Regarding Use of Vacation

Mr. O'Mara indicated that the current policy has a 240 hour cap based on 20 vacation days and a 300 cap for those entitled to 25 vacation days per year. A proposal was put forth by Chief Lyon and he read a portion of it. Mr. Infanti advised that when they went through Union negotiations, it was felt this was a fair way to support people taking more time. Mr. O'Mara asked Mr. MacGuire if he could have this change for the Board's next meeting.

Request for a Board Letter of Support for a Safe Routes to School Grant

Mr. MacGuire reported that they heard a presentation from Rick Katzenberg. In summary, it is a Planning Grant and he hopes to finalize it by seeking support from various groups. He is looking for a letter of support from the Town and he wondered if Dwight would take care of this. The first portion of the grant is actually pre-work for the actual grant that is to provide safe access with sidewalks and paths. They were talking about K-8 grade safety program. Mr. Brew added that the amount of the grant is \$15,000 with no dollar match. *Mr. Infanti moved to authorize Selectman Brew to write a letter of support for the Board for the Safe Routes to School Grant, second by Mr. Bowler. Vote: Unanimous.*

Town Administrator Vacancy

Mr. O'Mara mentioned that regarding Gary's retirement, the Board met on June 1, 2011. Mr. Bowler explained they met with MRI and LGC for two reasons. One was to get potential proposals if they wanted to use them for the Town Administrator's position or have an interest to contract one of them as an interim administrator. LGC would supply them with a list of individuals. MRI would supply the individual through their company and through a contract with the Board on an hourly basis. He potentially saw it being 20 hours and no more than 30 hours per week. He would like to have someone with knowledge of the Town and MRI covers Assessing. Mr. O'Mara remarked that he was getting the sense that Bruce was looking to have someone overlap with Gary that only MRI can provide.

Mr. Infanti thought this made sense. They could start the process now and come up with a number. MRI, the night they met with them, gave them three options on how in-depth they do the recruiting of the new Town Administrator. They should do this immediately and then have some discussions on one of three options. Mr. Bowler thought they should get an option on the table to possibly provide an interim Town Administrator and the second option they should begin recruiting. Mr. Infanti mentioned they had a number of questions when they met last with them and they asked to give them some numbers. Mr. Brew was comfortable with asking MRI to provide temporary Town Administrator services. While this can't

154 last forever, he was trying to figure out the timing of the second part in interviewing one of the companies
155 regarding the permanent search. If they were focusing on the temporary Town Administrator, then he
156 would be in favor of it.

157
158 Mr. Infanti noted that he and Bruce had talked about the search to possibly have a Town Administrator by
159 October 1. Mr. Bowler remarked they could place the ad by June 26 and close by July 20 and also
160 thought they should have a meeting next week. Mr. Infanti thought next Monday night they should have
161 the criteria for both of them and what they want them to do.

162 **Action Items**

163 **Appoint Historic District Member**

164
165 Mr. Infanti noted they have two interested people with one slot. His feeling was to move one alternate up
166 to full membership. Mr. Grella explained he talked to the next two longest members and Kathryn
167 Kennedy was willing to move up. ***Mr. Grella moved to move Kathryn Kennedy to a full position, term***
168 ***to expire in 2013, second by Mr. Bowler. Vote: Unanimous.***

169
170 ***Mr. Bowler moved to appoint Sue Clark as an alternate, term to expire in 2013, second by Mr. Grella.***

171 Discussion: Mr. Infanti noted that they had two excellent candidates that requested this position and he
172 hoped Perrin will show interest again – it was a tough decision. ***Vote: Unanimous.***

173 174 **Award Line Striping Bid & Road Reconstruction Bid**

175
176 Mr. MacGuire invited Director Berry to the table. He noted that two bids were received for line striping
177 and three for the road reconstruction. Mr. Berry indicated he received bids from Markings Inc and Hi-
178 Way Safety System Inc. He has been with the Town over ten years and both firms had been used. His
179 recommendation was Markings Inc. at \$16,838.36. ***Mr. Bowler so moved, second by Mr. Infanti. Vote:***
180 ***Unanimous.***

181
182 Director Berry told the Board he started this process last October and showed them the almost six inch bid
183 documents. The reconstruction was for three roads – Mack Hill Road, Mont Vernon Road and Boston
184 Post Road. He noted this was unit pricing and passed around a spreadsheet on the three roads that
185 followed the DOT numbering system. He mentioned that this went out to bid later than he wanted and
186 several didn't have time to bid on them. While the major part of this project will be completed by
187 September 30, some portions won't be completed until June 30, 2012. They haven't sat down with the
188 contractor and assume Mack Hill to Roberge will be completed – the majority of the work. He spoke
189 about adding culverts and catch basins and the number of road base they will be excavating. He
190 anticipated that between Jones Road and Roberge it will be "soup to nuts". Between Woodland and
191 Sprague they were intending to get the drainage in and replacing the asphalt and then do the topcoat in the
192 spring. Next year's work needs to be engineered totally in the fall and on the contractor's schedule.
193 There were seven companies that came to the pre-construction meeting and he received emails from
194 several contractors that this project wouldn't fit in with their schedule.

195
196 Director Berry advised he received bids from Continental Paving, Inc., Northeast Earth Mechanics and
197 Weaver Brothers. He asked that the Board award the entire bid to Continental Paving for three roads at
198 \$1,794,981.00. ***Mr. Infanti so moved, second by Mr. Grella.*** Discussion: Mr. Bowler asked if they had
199 all the easements in place. He indicated that he had a problem with voting to authorize it that evening and
200 signing a contract, without having all the easements. He had concerns about legal issues. Mr. Infanti's
201 concern was that not awarding the bid will hamper their schedule. Mr. O'Mara asked Mr. Berry to
202 explain what was involved and that sometimes they need property owners to comply with the engineer's
203 recommendations. Director Berry mentioned that in the four places they were looking to improve, the
204 water comes down and sheds on the side of the road. The water has to discharge somewhere and they

were looking to take the water on the surface and put it underground. Every place where they are has a natural spreading stream. He described each of the areas where they were seeking easements. Each one is positive, but each have issues. He anticipated all of the easements to be in place by July 5. He told Mr. Grella that the four easements were on Mack Hill which was the first project. Mr. O'Mara appreciated where Bruce was coming from. He asked that in the event they can't reach resolution, could Mont Vernon and Boston Post Roads be done. Mr. Berry replied, "yes". Mr. Brew asked about the pricing from last year to this year. Mr. Berry advised he didn't do a comparison and it would be a little difficult because of the difference in culverts and catch basins put in. Mr. Brew asked if they award this, were they obligated to do the entire amount. Were they signing themselves up for the whole number or did they have an option to do less feet or less work? Mr. Berry explained they were signing up for the unit price. There is room for adjustments should they have to make them. He also told him that the bid spec talks about going into their next budget cycle. Mr. Bowler reiterated that he would like to have everything in place before they start. Mr. O'Mara indicated he was comfortable if it doesn't come this year, they could start in June of next year. They have until next year to complete the entire project. Mr. Bowler had no problem with the price, but did have a problem with awarding it now. ***Vote: 4-0, Mr. Bowler opposed.***

Approve Unanticipated Revenue

Mr. MacGuire read the unanticipated revenues list: Recreation Baseball Scholarships - \$12.00; DPW Sale of surplus property with a fee that went to the auctioneer - \$2,552.00; Police "Thank You" Donation - \$200.00; Fire partial court restitution for a brush fire in Milford - \$1,108.78. Cumulative total: \$3,872.78. ***Mr. Infanti moved to accept the unanticipated revenue read by the Town Administrator, second by Mr. Grella.*** Discussion: Mr. Brew mentioned they needed to also request to expend. After a brief conversation Mr. Infanti amended his motion and ***moved to accept and expend Baseball Scholarship, second by Mr. Grella. Vote: Unanimous.***

Mr. Infanti moved to accept the unanticipated funds for DPW for two vehicles sold at auction., second by Mr. Bowler. Discussion: Mr. MacGuire requested that the funds go to the repair line. ***Vote: Unanimous.***

Mr. Infanti moved to accept the unanticipated funds of \$200.00 from the Police Department and put it into the Concentration Account, second by Mr. Bowler. Vote: Unanimous.

Mr. Infanti moved to accept the unanticipated funds for a charge by the Court for tools & equipment in the amount of \$1,108.78, second by Mr. Bowler. Vote: Unanimous.

Abateements Denied

After reading the recommendation by MRI, ***Mr. Bowler moved to deny the abatement for M/L 8-118-1, second by Mr. Infanti. Vote: Unanimous.***

After reading the recommendation by MRI, ***Mr. Bowler moved to deny the abatement for M/L 1-10-2, second by Mr. Infanti. Vote: Unanimous.***

After reading the recommendation by MRI, ***Mr. Bowler moved to deny the abatement for M/L 2-36, second by Mr. Infanti. Vote: Unanimous.***

After reading the recommendation by MRI, ***Mr. Bowler moved to deny the abatement for M/L 4-164-1, second by Mr. Infanti. Vote: Unanimous.***

256 **Abatements Approved**

257
258 After reading the recommendation by MRI, **Mr. Bowler moved to approve the abatement for M/L 10-65-5**
259 **in the amount of \$108.54, second by Mr. Infanti. Vote: Unanimous.**

260
261 After reading the recommendation by MRI, **Mr. Bowler moved to approve the abatement for M/L 8-118 in**
262 **the amount of \$2.05, second by Mr. Infanti. Vote: Unanimous.**

263 After reading the recommendation by MRI, **Mr. Bowler moved to approve the abatement for M/L 1-10-5**
264 **in the amount of \$258.05, second by Mr. Infanti. Vote: Unanimous.**

265
266 After reading the recommendation by MRI, **Mr. Bowler moved to approve the abatement for M/L 3-94 in**
267 **the amount of \$1,372.16, second by Mr. Infanti. Vote: Unanimous.**

268
269 After reading the recommendation by MRI, **Mr. Bowler moved to approve the abatement for M/L 2-73-32-33**
270 **in the amount of \$200.70 second by Mr. Infanti. Vote: Unanimous.**

271
272 After reading the recommendation by MRI, **Mr. Bowler moved to approve the abatement for M/L 2-72-29-30**
273 **in the amount of \$219.14, second by Mr. Infanti. Vote: Unanimous.**

274
275 **Land Use Change Tax**

276
277 **Mr. Bowler moved to approve the following, second by Mr. Brew: M/L 5-59-4 - \$8,500.00; M/L 5-59-5**
278 **- \$5,500.00; M/L 5-59-6 - \$5,500.00; M/L 5-59-7 - \$5,500.00; M/L 5-59-8 - \$5,500.00; M/L 5-59-9 -**
279 **\$5,500.00; M/L 5-59-10 - \$6,500.00; M/L 5-59-11 - \$8,500.00; M/L 5-59-12- \$7,500.00; M/L 5-59-43 -**
280 **\$7,500.00; M/L 5-59-44 - \$5,500.00; M/L 5-59-45 - \$6,500.00; M/L 5-59-47 - \$5,500.00. The Board**
281 **had a conversation about valuation of these lots and who sets them. Mr. Infanti indicated that in the**
282 **future he would like to talk to them about how this works. Mr. MacGuire did not believe the Town has**
283 **the authority to dictate this. Mr. Bowler moved to table, second by Mr. Infanti. Vote: Unanimous.**

284
285 Mr. MacGuire advised he would send Joe Lessard an email that night because he did not know what their
286 options were. Mr. Infanti mentioned that he knew the Planning Board asked that this particular
287 development be built in phases.

288
289 **Elderly Exemptions Denied**

290
291 After reading the recommendation by MRI, **Mr. Bowler moved to deny the elderly exemption for M/L 7-**
292 **17-22, second by Mr. Infanti. Vote: Unanimous.**

293
294 After reading the recommendation by MRI, **Mr. Bowler moved to deny the elderly exemption for M/L**
295 **24-33, second by Mr. Infanti. Vote: Unanimous.**

296
297 **Yield Tax**

298
299 **Mr. Bowler moved to approve the yield tax for 11-7-2 in the amount of \$112.76, second by Mr. Infanti.**
300 **Vote: Unanimous.**

301
302 **Mr. Bowler moved to approve the yield tax for 9-1 in the amount of \$364.28, second by Mr. Infanti.**
303 **Vote: Unanimous.**

307 **2011 Tax Warrant Levy**

308
309 After reading the Tax Warrant in the amount of \$18,917,747.00 **Mr. Bowler moved to approve, second by**
310 **Mr. Infanti. Vote: Unanimous.**

311
312 **Pole Licenses**

313
314 **Mr. Bowler moved to approve Pole Licenses for Milford Road/Route 101A and Nashua Road, second**
315 **by Mr. Infanti. Vote: Unanimous.**

316 **Dog Warrant**

317
318 After reading the Dog Warrant **Mr. Bowler moved to approve, second by Mr. Infanti. Vote: Unanimous.**

319
320 **Old Business**

321
322 No one had any comments on Old Business.

323
324 **New Business**

325
326 Mr. Brew indicated that at last night's Conservation Meeting a question was asked as to who in Town
327 needs to make sure Class VI roads were kept open especially when it pertains to new developments. Mr.
328 Infanti explained that there were rules and regulations on this. Mr. MacGuire told Mr. Brew they should
329 contact either Charlie Tiedemann and/or him.

330
331 **Non-Public Session**

332
333 **Mr. Bowler moved to enter non-public session at 8:45 p.m. under RSA 91-A:3 II (a), second by Mr.**
334 **Infanti. Roll call vote: Mr. Brew – yes; Mr. Bowler – yes; Mr. O'Mara – yes; Mr. Grella – yes; Mr.**
335 **Infanti – yes.**

336
337 While in non-public session, the Board discussed a personnel matter.

338
339 **Mr. Grella moved to re-enter public session at 9:30 p.m., second by Mr. Brew. Roll call vote: Mr.**
340 **Brew – yes; Mr. Bowler – yes; Mr. O'Mara – yes; Mr. Grella – yes; Mr. Infanti – yes.**

341
342 No motions were made and no votes were taken while in non-public session. **A motion was made by Mr.**
343 **Infanti to adjourn the meeting at 9:33 p.m., second by Mr. Brew. Vote: Unanimous.**

344
345 Respectfully submitted,

346
347
348 Sharon L. Frydlo
349 Executive Assistant